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13 Attorneys for Defendant

14 ROWLAND MARCUS ANDRADE

15
16 **UNITED STATES DISTRICT COURT**

17 **NORTHERN DISTRICT OF CALIFORNIA**

18 **SAN FRANCISCO DIVISION**

19 UNITED STATES OF AMERICA,

Case No. 3:20-cr-00249-RS-[LB]

20 Plaintiff,

21 v.

22 ROWLAND MARCUS ANDRADE,

**DECLARATION OF KERRIE C. DENT IN
SUPPORT OF DEFENDANT ROWLAND
MARCUS ANDRADE'S EX PARTE
MOTION RELATING TO ALEXANDER
LEVIN'S DEVICES**

23 Defendant.

24
25 Judge: Hon. Laurel Beeler

1 I, Kerrie C. Dent, hereby declare under penalty of perjury:

2 1. I am one of the lawyers representing Defendant Marcus Andrade in the above
 3 captioned matter. I file this declaration to support the facts set forth in Mr. Andrade's ex parte
 4 motion to compel the government to disclose the name and contact information of Alexander
 5 Levin's attorney and to refrain from returning Levin's devices until Mr. Andrade has had a
 6 reasonable amount of time to subpoena them. I have personal knowledge of the events described
 7 in the ex parte motion and, if called as a witness in this matter, I could competently testify to the
 8 matters stated in this Declaration.

9 2. We are filing this motion ex parte because immediate consideration by the Court
 10 is necessary to ensure that the Levin devices – which the Court has ruled are material to Mr.
 11 Andrade's defense – are not lost or destroyed prior to Mr. Andrade having the opportunity to
 12 subpoena them.

13 3. On the evening of November 2, 2023, after the Court ordered the government to
 14 update it within a week about whether an image of Mr. Levin's devices had been returned to Mr.
 15 Levin, and if not, whether the government objects to doing so (Dkt. ## 234 and 235), I emailed the
 16 government to ensure that the devices were not destroyed or lost before we were given an
 17 opportunity to subpoena them from Mr. Levin or his lawyer. I wrote:

18 Please let us know as soon as you learn whether the SDNY or FBI or other
 19 government agency still has Levin's device or devices, and, if so, whether
 20 they plan to return anything to Levin. If they still have any devices and
 21 will return them, then we ask to be notified when, to whom, and where
 22 any device is going to be returned. Please provide this notice sufficiently
 23 reasonably in advance so that we can serve a subpoena for what is
 24 returned. Similarly, if they already have returned the device, please let us
 25 know where and to whom it was sent so that we can serve a subpoena.

26 The government did not respond to the email.

27 4. On November 9, 2023, in response to the Court's November 2 Order, the
 28 government reported that it does not object to returning Mr. Levin's cell phone to Mr. Levin, I
 reached out to AUSA Highsmith and left a message on his work phone to remind him that Mr.
 Andrade would like to serve a subpoena for Mr. Levin's devices. To ensure that the devices are
 preserved until he is provided with the devices the Court has ruled are material to his defense, I

1 asked Mr. Highsmith to provide him with the name and contact information for Mr. Levin's
2 attorney and to refrain from returning the devices to either Mr. Levin or his attorney until after
3 Mr. Andrade has had a reasonable amount of time to serve a subpoena for the devices. I have
4 not yet heard back from Mr. Highsmith. My co-counsel, Cindy Diamond, today, also reached
5 out to Mr. Highsmith by email and conveyed this message.

6 I declare under penalty of perjury that the foregoing is true and correct, and that this
7 declaration was executed on November 9, 2023 in McLean, Virginia.

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9 /s/ Kerrie C. Dent
KERRIE C. DENT
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